



## REMARKS

Claims 1-26 remain pending in the application. Reconsideration is respectfully requested in light of the following remarks.

### Section 102(e) Rejection:

The Office Action rejected claims 1-4, 9-12, 18 and 20-21 under 35 U.S.C. § 102(e) as being anticipated by Shimizu (U.S. Patent 6,175,918). Applicants assert that pending claims 1-4, 9-12, 18 and 20-21 are not anticipated by Shimizu.

**Shimizu does not teach a failover server implemented on said client computer system, wherein said failover server is configured to provide network environment functionality if said remote network server unit is not available; and a software manager stored in said client storage device, wherein said software manager is configured to connect to said remote network server unit if said remote network server unit is available or to connect to said failover server if said remote network server unit is not available and to configure said network environment to appear to a user as though said client computer system is connected to said remote network server unit when said client computer system is connected to said failover server, as recited in claim 1.** The failover server and software manager of Applicants' claimed invention allow the system to appear to a user as though it is still connected to a remote network server.

In contrast, the Shimizu system requires the user to manually select the mode of operation through a dialog display (Shimizu -- col. 5, lines 38-46; Fig. 6). If the disconnected mode is selected, the system in Shimizu operates according to a "Day Pack" or "PPP & Day Pack" mode. In these modes there is no illusion that the system is still connected to the remote server (e.g. on the LAN). In contrast, the fail-over server of Applicants' claimed invention appears to a user to be the remote server and a transition

from connected to disconnected mode can occur without indication to the user. Therefore, claim 1 is clearly not anticipated by Shimizu.

In the Response to Arguments section of the Final Action, the Examiner cites col. 4, line 64 – col. 5, line 12, as Shimizu teaching a software manager configured to connect to a failover server if a remote network server unit is not available and to configure a network environment to appear to a user as though the client computer system is connected to the remote network server unit when the client computer system is connected to the failover server. However, this portion of Shimizu only teaches that “the work performed in the network operation mode can be continuously performed even after the mode shifts to the disconnected operation mode.” However, being able to still perform the same work in a disconnected mode does not require that a network environment be created with a failover server to appear to a user as though the client computer system is connected to the remote network server. Shimizu does not teach the its disconnected mode appears to a user as though the client computer system is connected to the remote network server. In fact, Shimizu explicitly teaches that the client must be aware that the client computer system is no longer connected to a remote network server since change in modes is performed by the user (col. 5, lines 38-46; Fig. 6). Therefore, according to Shimizu, the user must be aware that the system has changed to a disconnected mode.

Applicants remind the Examiner that anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984). The identical invention must be shown in as complete detail as is contained in the claims. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Shimizu clearly does not teach the identical invention as arranged in Applicants’ claims.

Similar arguments apply in regard to independent claims 9 and 18. The claims depending from independent claims 1, 9 and 18 are patentably distinguish over Shimizu for at least the reasons given above with regard to the independent claims.

**Section 103(a) Rejections:**

The Office Action rejected claims 5-8, 13-17, 19 and 22-26 under 35 U.S.C. § 103(a) as being unpatentable over Shimizu in view of Fujiwara (U.S. Patent 6,301,710), and further in view of Novak, et al. (U.S. Publication No. 2003/0037020) (hereinafter “Novak”). Applicants assert that pending claims 5-8, 13-17, 19 and 22-26 are patentable over the cited art.

Claims 5, 13, and 22 describe an update thread, which performs an update sequence when a connection to the remote network server unit becomes available. In contrast, Shimizu at column 2, lines 57-62, describes checking for a network connection only at initialization, and at column 5, lines 38-46 requiring the user to manually select the mode of operation. The Shimizu system does not detect the activation of a connection to the remote network server unit or perform any updates without user intervention. Fujiwara and Novak are completely silent with regard to such an update thread. For these reasons the Applicants believe that claims 5, 13 and 22 and all claims depending from these claims patentably distinguish over Shimizu, Fujiwara, and Novak taken either alone or in combination.

Claim 8 recites, in pertinent part, “a heartbeat thread, which monitors a connection to said remote network server unit”. To the contrary, Shimizu at column 2, lines 57-62, describes “At the time of initialization processing of the client computer, whether the client computer is connected to the LAN may be checked, the operation mode may be selected on the basis of the determination result, and the selected operation mode may be presented to the user as a default mode on the displayed mode selection menu”.

It is clear that Shimizu teaches checking for a network connection only once, and only during initialization of the client. Shimizu does not monitor a connection to a remote network server. Both Fujiwara and Novak are completely silent on this topic, so neither Shimizu, nor Fujiwara, nor Novak taken alone or in combination teaches or suggests a client computer continually monitoring a connection to a remote network server unit as described in claims 8, 16, and 25. Therefore, the Applicants believe claims 8, 16, and 25 to patentably distinguish over the cited prior art.

Claim 19 recites, in pertinent part, “in response to a forced remote reboot command, said client computer system receiving an operating system from said remote network server unit”. To the contrary, Shimizu at column 7, line 54 through column 8 line 13, describes, in pertinent part, “When the client computer 12 is turned on . . .”. Rebooting a computer implies causing it to transition from one “on” or active state to another “on” or active state whereas turning on a computer implies causing it to transition from an “off” or inactive state to an “on” or active state. Additionally, Shimizu is completely silent with regard to a remote reboot command, as are Fujiwara and Novak. Therefore, the cited art does not teach or suggest the limitations of claim 19.



## CONCLUSION

Applicants submit the application is in condition for allowance, and notice to that effect is respectfully requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5181-42900/RCK.

**RECEIVED**

Also enclosed herewith are the following items:

- Return Receipt Postcard
- Information Disclosure Statement
- Fee Authorization Form authorizing a deposit account debit in the amount of \$180.00 for fees (Information Disclosure Statement).

APR 12 2004

Technology Center 2100

Respectfully submitted,



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